



120903

15866 U.S. PTO

ATTORNEY DOCKET NO.:
054160-5015-02

CERTIFICATE OF MAILING (37 CFR 1.10)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on this date December 9, 2003 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL231330869US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kim R. Jessum
(Name of Person Mailing Paper)


(Signature of Person Mailing Paper)

17858 U.S. PTO
10/731633



120903

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents

P.O. Box 1450

MAIL STOP PATENT APPLICATION

Alexandria, VA 22313-1450

PRIOR APPLICATION: Examiner: Tracy Mae Dove
Group Art Unit: 1745

TRANSMITTAL FOR A CONTINUATION APPLICATION
UNDER 37 C.F.R. §1.53(b)

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor(s): Hamamoto, et al.

Title: NON-AQUEOUS ELECTROLYTE AND LITHIUM
SECONDARY BATTERY USING THE SAME

1. This application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-Part patent application under 37 C.F.R. § 1.53(b) of pending prior application no. 09/569,185, filed on May 11, 2000.
2. The papers enclosed to obtain a filing date are as follows:
 - 23 Pages of Specification including:
 - Title Page
 - 3 Pages of Claims
 - 1 Page of Abstract
 - Sheets of drawings containing Figures
 - ☐ The enclosed drawing(s) are photograph(s), and there is also attached a PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

- ☒ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ An oath or Declaration is not enclosed at this time.
This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

4. Language

- ☒ English
- ☐ Non-English
This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

- ☒ The prior application is assigned of record to Ube Industries, Ltd., recorded July 24, 2000 at Reel/Frame Number 010945/0774. A copy of the Assignment and PTO Form-1595 is enclosed.
- ☐ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☒ Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed
JP	11-198351	July 13, 1999

Certified copy/ies: ☐ is/are attached.

☐ will follow.

☒ was filed in prior U.S. Application No. 09/569,185 on May 11, 2000.

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7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☐ Priority of the following provisional application(s) is claimed:

Application No.	Filed

8. Small entity status

☐ Applicant claims small entity status under 37 C.F.R. §§1.9 and 1.27.

9. Fee Calculation (37 C.F.R. §1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00 Design \$330.00
Total Claims (37 C.F.R. §1.16(c))	17 - 20 =	0	\$ 18.00 each =	\$
Independent Claims (37 C.F.R. §1.16(b))	2 - 3 =	0	\$ 84.00 each =	\$
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			\$260.00	+
SUB-TOTAL =				\$770.00
Reduction by ½ for filing by a small entity				-\$
TOTAL FILING FEE =				\$770.00

10. Fee Payment

☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.** This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☐ Enclosed.
Check in the amount of \$

☒ Please withdraw \$770.00 from Deposit Account 50-0130 (billing no. 054160-5015-02).

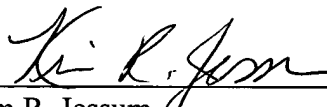
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11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).
12. Additional papers enclosed:
- ☒ Preliminary Amendment (16 pages)
 - ☒ Information Disclosure Statement (2 pages)
 - ☒ Form PTO-1449, documents included (1 page, 2 references)
 - ☒ Prior Executed Revocation and Power of Attorney (1 page)
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



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Dated: December 9, 2003
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